

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CIBA SPECIALTY CHEMICALS)	
CORPORATION, a Delaware Corporation,)	C.A. No. 06-00629-JJF
)	
Plaintiff)	
)	
v.)	
)	
)	
3V, INC., a Delaware Corporation,)	
)	
Defendant)	

REPLY TO COUNTERCLAIM

Comes now the plaintiff CIBA Specialty Chemicals Corporation, ("CIBA") by counsel, and answers each numbered paragraph of 3V, Inc.'s counterclaim with respectively numbered paragraphs as follows:

Jurisdiction and Venue

1. Admitted.
2. Admitted.
3. Admitted.

The Parties

4. CIBA admits that the '973 patent names Giuseppe Raspanti of Bergamo, Italy as inventor but has only counterclaimant's representations as to the remaining allegations of this paragraph of the counterclaim and, to that extent, denies the remaining allegations and leaves counterclaimant to its proofs.

5. Admitted.

6. Admitted except that CIBA is also entitled to priority of its European Application No. 95810042.2 filed January 23, 1995.

Interference Proceeding No. 105,262

7. CIBA admits that on May 24, 2005 the Board of Patent Interferences of the United States Patent and Trademark Office declared interference no. 105,262 between Giuseppe Raspanti, the inventor of the '973 patent and Francois Gugumus the Applicant of Serial No. 10/081,291. CIBA also admits that it is the assignee of Francois Gugumus. CIBA is without knowledge as to the assignment of the Raspanti patent and, therefore, denies the remaining allegations of this paragraph of the counterclaim and leaves counterclaimant to its proofs.

8. CIBA admits that a copy of the '973 patent is attached as Exhibit 1, but is without knowledge as to the remaining allegations of this paragraph of the counterclaim and, therefore, denies the same and leaves counterclaimant to its proofs.

9. Admitted.

10. Admitted.

11. CIBA admits that on July 27, 2006 the Board entered a final decision in Interference No. 105,262 but otherwise denies the allegations of this paragraph of the counterclaim.

12. CIBA admits that on July 27, 2006 the Board entered a final decision in Interference No. 105,262 and denied 3V's Substantive Motion 3, but otherwise denies the remaining allegations of this paragraph of the counterclaim.

13. CIBA admits that on July 27, 2006 the Board entered a final decision in Interference No. 105,262 and that the Board denied 3V's Substantive Motion 5, but otherwise denies the allegations of this paragraph of the counterclaim.

14. CIBA admits that on July 27, 2006 the Board, in its final decision in Interference No. 105,262, granted CIBA's Responsive Motion No. 2 to add claim 28, but otherwise denies the remaining allegations of this paragraph of the counterclaim.

15. This paragraph of the counterclaim is a mere statement of preservation by 3V and, therefore, requires no answer.

Count I

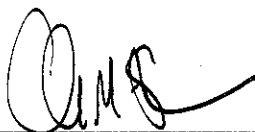
16. CIBA admits that this is an action pursuant to 35 U.S.C § 146, but otherwise denies the allegations of this paragraph of the counterclaim.

17. This paragraph requires no answer by CIBA.

18. Denied.

General Denial:

CIBA denies that counterclaimant is entitled to the judgments requested in the counterclaim.



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Dated: November 20, 2006

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2006, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and which has also been served as noted:


BY HAND

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I hereby certify that on November 20, 2006, I sent the foregoing document by electronic mail, to the following non-registered participants:

BY FEDERAL EXPRESS

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